

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL DRS25037-LU-63A\* (02/28)

Short Title: "We the People" Act/Referendum. (Public)

Sponsors: Senators Van Duyn, McKissick, and Foushee (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO SUBMIT TO THE VOTERS OF NORTH CAROLINA A REFERENDUM  
URGING CONGRESS TO PASS AN AMENDMENT TO THE CONSTITUTION OF  
THE UNITED STATES DECLARING THAT CONSTITUTIONAL RIGHTS BELONG  
ONLY TO INDIVIDUALS AND NOT TO CORPORATIONS OR OTHER ARTIFICIAL  
ENTITIES AND THAT CONSTITUTIONALLY PROTECTED FREE SPEECH  
EXCLUDES THE UNLIMITED SPENDING OF MONEY ON POLITICAL CAMPAIGN  
CONTRIBUTIONS.

Whereas, Section 2 of Article I of the Constitution of North Carolina asserts that "[a]ll political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole"; and

Whereas, free and fair elections, as well as honest representation, are essential to self-determination and self-governance as described in the Declaration of Independence and established in the Constitution of the United States; and

Whereas, the American people have lost faith in the political process because their voices are not heard nor their interests represented, and thus, an ever smaller percentage of Americans is motivated to vote; and

Whereas, the Constitution of the United States makes no mention of corporations or other artificial entities and there are no provisions extending rights to such entities; however, through a series of decisions equating a "corporation" with a "person," the United States Supreme Court has extended to corporations the constitutional rights and protections intended for people only; and

Whereas, unlike human beings, corporations can exist in perpetuity and in many countries at the same time, and, as a result, many large corporations, both foreign and domestic, invest in campaigns to invalidate or bypass regulatory law intended to protect the public, and, as such, corporate participation in the political process often conflicts with the public interest; and

Whereas, money is property and not speech and nowhere in the Constitution of the United States is money equated with speech; and

Whereas, because advertising is limited and costly, equating the spending of money with free speech gives those with the most money the most speech; and

Whereas, whenever special interests, including very wealthy individuals, are able to spend unlimited amounts of money on political speech, candidates and officeholders can be corrupted and intimidated and the free speech of most citizens is drowned out and denied; and



